

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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for many years; and

Whereas, the Maine Federation of Garden Clubs is an organization which has given countless volunteer hours beautifying the municipal, recreational and open spaces of Maine towns and cities; and

Whereas, the National Council of State Garden Clubs has asked the Maine Federation of Garden Clubs to join with other states in seeking legislation to establish the first full week of June as Garden Week by June, 1987; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

1 MRSA §128 is enacted to read:

§128. Garden Week

Garden Week shall be established as the first full week of June of each year and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the week with appropriate celebration and activities.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 5, 1987.

CHAPTER 227

H.P. 799 — L.D. 1073

AN ACT to Require that Loads of Gravel, Sand, Crushed Stone, Wood Chips, Building Debris or Rubbish be Secure to Prevent Spillage.

Be it enacted by the People of the State of Maine as follows:

29 MRSA §1752, as amended by PL 1977, c. 32, is further amended by adding at the end a new paragraph to read:

No person may operate or cause to be operated upon any public way a vehicle with a load of gravel, sand, crushed stone, rubbish, wood chips, building debris or trash, unless the load is covered or otherwise secured or confined to prevent any portion of the load from falling from or spilling out of the vehicle.

Effective September 29, 1987.

CHAPTER 228

H.P. 1106 — L.D. 1498

AN ACT to Provide Special License Plates and Decals for People with Hearing Impairments.

Be it enacted by the People of the State of Maine as follows:

29 MRSA §252-F is enacted to read:

§252-F. Hearing-impaired persons; special designating placards

The Secretary of State, on application, shall issue a hearing-impaired placard to any person who is hearing impaired when that application is accompanied by a form, available from the Division of Deafness, Bureau of Rehabilitation, certified by a physician or an audiologist stating that the applicant is hearing impaired and cannot hear or understand normal speech. The placard shall be displayed in a conspicuous location in the vehicle as near to the operator as possible without obstructing the view of the operator. The fee for the placard shall be \$1.

Effective September 29, 1987.

CHAPTER 229

S.P. 541 — L.D. 1636

AN ACT to Limit the Administrative Charge on Sales of New Motor Vehicles to the Actual Administrative Cost.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29 MRSA §345, sub-§3-A is enacted to read:

3-A. Additional charges. Vehicle dealers licensed pursuant to this subsection shall not charge for any extra charge, preparation service or optional equipment, as defined in this subsection, unless such charge is accurately described and clearly posted on the motor vehicle to which the charge applies.

A. "Extra charge" means any consumer charge listed or requested by the dealer for the purchase of a new motor vehicle which is not included in the manufacturer's suggested retail price of that vehicle.

B. "Preparation service" means any adjustment, inspection, testing, repair, replacement of parts, cleaning, polishing or other labor done with the purpose of preparing a new motor vehicle for sale that is performed by the dealer without prior written authorization of the purchaser.

C. “Optional equipment” means equipment, protective coatings, special features, appliances, parts or accessories added to a new motor vehicle by the dealer, or that are added by specific request of the dealer, which the customer purchases and which are not included in the manufacturer’s suggested retail price.

Sec. 2. 29 MRSA §2352, sub-§1, ¶E, as enacted by PL 1985, c. 401, §16, is amended to read:

E. Vehicle dealers licensed pursuant to this Title shall not charge, for titling purposes, fees in excess of those described in this section.

All other fees charged for document processing shall be disclosed to any purchaser prior to the final sale of any vehicle and shall be clearly posted on any vehicle to which the charge applies.

Failure to comply with this subsection is a Class E crime.

Effective September 29, 1987.

CHAPTER 230

H.P. 1202 — L.D. 1640

AN ACT to Clarify the Definition and Application of Active State Service in the Defense Laws.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §101-A is enacted to read:

§101-A. Definitions

1. Active state service. As used in this Title, “active state service” means all military duty performed as a member of the state military forces in a pay status described in section 143 by order of the Governor under this Title or performed under the United States Code, Title 32.

2. Military forces. “Military forces” means the state military forces, as defined in section 102.

Sec. 2. 37-B MRSA §402, sub-§§2 and 6, as enacted by PL 1983, c. 460, §3, are repealed and the following enacted in its place:

2. Active service. Active service is defined in section 101-A, subsection 1.

6. Military forces. Military forces is defined in section 101-A, subsection 2.

Effective September 29, 1987.

CHAPTER 231

H.P. 1203 — L.D. 1641

AN ACT to Simplify the Method of Enforcing Health Benefit Liens.

Be it enacted by the People of the State of Maine as follows:

26 MRSA §629-B, sub-§7, as enacted by PL 1985, c. 660, is amended to read:

7. Lien. Whoever loses wages or medical benefits due to an employer’s violation of this section shall have a lien against the employer’s property or assets real estate or personal property for the full amount of the wages wrongfully withheld and the medical benefits for which the employer is liable under this section. The lien shall be created and enforced as provided in Title 10, chapter 603 for mechanics’ liens.

A. The lien shall be created by filing the statement described in this subsection in the appropriate place for filing an execution lien on real property, personal property or motor vehicles under Title 14, section 4651-A. The statement filed must contain:

- (1) A statement of the amount of wages or medical benefits claimed to have been lost;
- (2) The name and address of the employer and the name and address of the person claiming the loss of wages or benefits; and
- (3) A recital that by virtue of the loss a lien is claimed on the real estate or personal property of the employer for the amount of the claim.

The statement must be subscribed and sworn to by the person claiming the lien or by someone on his behalf. Upon the filing of the statement, the amount claimed in the statement shall constitute a lien upon the property for which the statement is filed.

B. A lien created under this subsection is void 20 days after the date on which the statement described in paragraph A was filed unless, within the 20-day period, the person claiming the lien or someone on his behalf notifies the employer, by certified or registered mail sent to the employer’s last known address, of the existence of the lien. The notice must contain the following:

- (1) The fact that a lien has been filed;
- (2) The date and place the lien was filed;
- (3) The amount of the claim on which the lien is based;